

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN TYRONE HAIRSTON,  
Plaintiff,  
v.  
R. ARCHIE, et al.,  
Defendants.

No. 2:23-cv-00900-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT

(Doc. Nos. 29, 35)

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 26, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendants motion for summary judgment in their favor (Doc. No. 29), be granted. (Doc. No. 35.) Specifically, the magistrate judge concluded that based upon the undisputed evidence before the court on summary judgment, the force used by each of the defendants against plaintiff was reasonable as a matter of law. (*Id.* at 8–10.) In addition, the magistrate judge concluded that the evidence on summary judgment established that it was plaintiff who impeded the defendants' efforts to escort him from his cell so that he could receive prompt medical evaluation and treatment after reporting that he had swallowed glass. (*Id.* at 11.) The magistrate judge concluded that there was no disputed issue of material fact as to whether

1 either defendant had disregarded a substantial risk of serious harm to plaintiff by denying or  
2 delaying him medical treatment and that defendants were entitled to summary judgment in their  
3 favor as to that claim as well. (*Id.*)

4 The pending findings and recommendations were served on the parties and contained  
5 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at  
6 12.) To date, no objections to the findings and recommendations have been filed, and the time in  
7 which to do so has now passed.

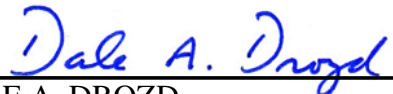
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
10 findings and recommendations are supported by the record and by proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on June 26, 2025 (Doc. No. 35) are adopted  
13 in full;
- 14 2. Defendants' motion for summary judgment (Doc. No. 29) is GRANTED; and
- 15 3. The Clerk of Court is directed to enter judgment in favor of defendants and close this  
16 case.

17 IT IS SO ORDERED.

18 Dated: August 15, 2025

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20 DALE A. DROZD  
21 UNITED STATES DISTRICT JUDGE  
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